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Title of Document: SCDDSN Certification & Licensure of Residential & Day Facilities

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Applicability: South Carolina Department of Disabilities and Special Needs (SCDDSN) and Contracted Providers of Residential, Day, and Respite Facilities (Excluding Family-Arranged Respite) and Recreational Camps.

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**PURPOSE:**

To identify authority and guidance for the South Carolina Department of Disabilities and Special Needs (SCDDSN) to contract with the South Carolina Department of Health and Environmental Control (SCDHEC) to certify and/or license residential and day facilities.

**AUTHORITY:**

South Carolina Code Annotated §44-20-710 (Supp 2008), authorizes SCDDSN to license or contract for licensure day facilities for adults. Facilities may be licensed as: Residential or Day Camps; Adult Activity Centers; Work Activity Centers; Sheltered Workshops and Unclassified Programs.

South Carolina Code Annotated §44-7-260 (Supp 2008), authorizes SCDDSN to sponsor, certify, or license community-based housing for adults or contract for these functions.

South Carolina Code Ann §44-7-110 (Supp 2008), 44-20-10 (Supp 2008), and 44-21-10 (Supp 2008), grants SCDDSN authority to license or contract the licensure function for respite facilities for children and/or adults

Since 1985 DDSN has maintained a Memorandum of Agreement (MOA) with the Department of Social Services (DSS), which grants DDSN authority to license Community Training Homes for children. The MOA is in accordance with provisions of South Carolina Code Annotated §44-20-1000 (Supp 2008). DDSN standards meet Child Foster Care Regulation 27 SC Regs. 114-550 (Supp 2008) for homes licensed as a CTH I or Child Group Home Regulation 27 SC Regs 114-590 (Supp 2008) for homes licensed as a CTH II as approved annually by DSS. Please note: DSS defines a child as a person under the age of twenty-one and any movement of these children within DDSN Residential Services must be coordinated through the District Offices and the Quality Management Division.

South Carolina Law grants the South Carolina Department of Health and Environmental Control (SCDHEC) the authority to license Community Residential Care Facilities (CRCF) for adults and Intermediate Care Facilities for the Mentally Retarded (ICF/MR).

**GENERAL:**

No residential, day or respite facility shall provide services and supports unless the service provider is:

1. Qualified by SCDDSN;
2. Compliant with applicable federal, state and local laws;
3. Compliant with all applicable SCDDSN policies, procedures, and standards and,
4. Issued a license or certification by SCDDSN or SCDHEC.

Facilities shall only provide the type of service that is identified on the certificate or license, and shall serve no more than the maximum number of people identified on the certificate and/or license.

The original certificate and/or license shall be maintained in the facility at all times. Certificates and/or licenses are non-transferable. Reviews of facilities may be conducted at any time, without prior notice.

When a license or certificate is issued by SCDDSN or its contractor, the SCDDSN Director of Quality Management is responsible for insuring reviews conducted by SCDDSN or its contractor are conducted according to SCDDSN protocol.

**SUPPORT MODELS LICENSED/CERTIFIED BY SCDDSN OR ITS CONTRACTOR:**

**I. Residential:**

Residential Habilitation, as defined by the SCDDSN Residential Habilitation Standards, is provided in each of the models for residential support listed below:

**A. Community Training Home I (CTH I) including the enhanced CTHI :**

Personalized care, supervision and individualized training provided, in accordance with the resident's service plan to no more than two (2) people who live in a support provider's home unless an exception has been granted by DDSN. The enhanced CTH I model builds in additional respite, personal care and enhanced payment to the caregiver due to the significant needs of the person with disability. Both CTH I models are licensed/certified using the same criteria. Support providers are qualified and trained private citizens.

**B. Community Training Home II (CTH II):**

A homelike environment in the community where no more than four (4) people live. Care, supervision and skills training are provided by qualified and trained staff in accordance with the resident's service plan.

**C. Supervised Living Program I (SLP I):**

Supports are provided by qualified and trained staff to adults who require occasional support. Staff are available by telephone 24 hours a day, seven (7) days a week. Staff are available by telephone 24 hours a day, seven (7) days a week to provide assistance as needed.

**D. Supervised Living Program II (SLP II):**

Supports are provided by qualified and trained staff to adults who need intermittent supervision and supports. Staff are available on-site or in a location from which they can be on-site within fifteen (15) minutes of being called, 24 hours a day, seven (7) days a week.

SCDDSN's contracted provider agencies may provide additional residential options, including Community Residential Care Facilities (CRCF) and Intermediate Care Facilities for Persons with Mental Retardation (ICF/MR). These facilities are licensed by SCDHEC.

**II. Respite:**

Services may be provided in the person's home, other residence selected by the person/family, or a facility licensed/certified by SCDDSN or its contractor.

**III. Day:**

**A. Adult Activity Center:**

A goal oriented program of developmental, prevocational services designed to develop, maintain, increase or maximize an individuals functioning in activities of daily living, physical growth, emotional stability, socialization, communication, and vocational skills.

**B. Sheltered Workshop:**

A work program whose purpose is to assist participants to achieve their potential through the use of individual work goals, remunerative employment, supportive services in a controlled environment. The workshop will maintain a certificate with the United States Department of Labor, which designates it as a "regular work program".

**C. Work Activity Center:**

A workshop having an identifiable program designed to provide therapeutic activities for mentally retarded workers whose physical or mental impairment is so severe as to interfere with normal productive capacity. Work or production is not the main purpose of the program; however, the development of work skills is its main purpose. The program must have a certificate from the United States Department of Labor designating it as a Work Activity Program when applicable.

**D. Unclassified Program:**

A program that provides a beneficial service and observes appropriate standards to safeguard the health and safety of clients, staff and the public. This would include non-work related day supports.

**IV. Recreational Camp:**

**A. Day:**

A program of recreational activities with an emphasis on outdoor and camping activities that utilize trained leadership and the natural or man-made outdoor surroundings to contribute to the camper's mental, physical, and social growth.

Services are provided for less than twenty-four hours a day to adults and/or children.

**B. Residential:**

A program of recreation activities with an emphasis on outdoor and camping activities that utilize trained leadership and natural or man-made outdoor surroundings to contribute to the camper's mental, physical and social growth.

Services are provided for four (4) or more consecutive twenty-four hour periods of camp programming at one or more campsites to adults and/or children.

**SCHEDULE FOR REVIEWS**

Licensing/Certification reviews will be conducted as follows:

<b>SETTING</b>	<b>FREQUENCY</b>
Community Training Home I Serving adults (18 years and older)	A 33% sample of every provider's homes every year.
Community Training Home I Serving children (17 years and younger)	Annually
Community Training Home II Serving adults (21 years and older)	A 33% sample of every provider's homes every year.
Community Training Home II Serving children (20 years and younger)	Annually
Supervised Living Program I	A 33% sample of every provider's homes every year.
Supervised Living Program II	A 33% sample of every provider's homes every year.
Respite Facility	A 33% sample of every provider's homes every year.
Adult Activity Center	Annually
Sheltered Workshop	Annually
Work Activity Center	Annually
Unclassified Program	Annually
Recreational Day Camp	Annually
Recreational Residential Camp	Annually

### **APPLICATION PROCESS:**

#### **A. For A New Facility:**

To initiate licensing/certification reviews of new facilities, all sections of the SCDDSN Licensing/Certification Application must be completed no later than 60 days prior to the opening of the facility. The projected opening date of the facility must be noted. SCDDSN must approve all new facilities prior to licensure by DDSN or its contractor.

#### **B. To Update Existing Application:**

A SCDDSN Licensing/Certification Application must be completed when/if any information contained in the previously submitted application changes. The provider must insure that the application information is current at all times.

#### **C. For A Residential Facility Serving Children:**

A completed SCDDSN Licensing/Certification Application must be submitted no later than 60 days prior to the expiration of the certification.

Completed applications should be mailed to the address noted on the application.

### **FIRE SAFETY INSPECTIONS:**

Fire Safety Inspections, when required, must be made by a Fire Marshal employed by the State Fire Marshal's office. Fees for this service are pre-paid by SCDDSN but inspections must be requested. Requests should only be made via the Internet following these steps:

- Step 1: Go to [www.llr.state.sc.us/fmarshal/](http://www.llr.state.sc.us/fmarshal/)
- Step 2. Select "Online Inspection Report"
- Step 3. Enter password "america" in lower case letters;
- Step 4. Selection "Request For Inspection - Other" (Residential) **OR** "Work Camps" (Day)
- Step 5. Fill in all sections of the request
- Step 6. Submit the request

Requests must be made at least ninety (90) days in advance. For additional guidance, please contact the Senior Deputy Fire Marshal at (803) 896-9880.

### **FINDINGS / PLANS OF CORRECTION / RE-VISIT**

Staff from DDSN or its contractor will make an on-site review of the physical plant and records, then compare their finding with the requirements as set forth in standards, policies, and

procedures. As a result of these activities, a report will be issued to the provider agency within 30 days.

Each report will include the standard, policy, or procedure determined to be deficient, a statement of the specific findings and the classification of the deficiency. Each standard cited as deficient will be classified as one of the following:

- ♦ Class 1 Deficiency – The person’s physical, emotional, and financial well being is in immediate jeopardy. Immediate correction is required.
- ♦ Class 2 Deficiency – A failure of organizational safeguards which could put the person’s physical, emotional, and financial well being in jeopardy. The Plan of Correction from the provider is either required before the end of the survey or within 30 days of receiving the written licensing report. The nature, circumstances, and extent of the deficiency will be evaluated by the surveyor to determine the time frame requirements for the Plan of Correction. Corrections are required to be completed no later than 60 days after receiving the written licensing report unless otherwise specified and subsequently approved by SCDDSN or its designee.
- ♦ Class 3 Deficiency – All other reportable deficiencies. The Plan of Correction from the provider is required within 30 days of receiving the written licensing report. Corrections are required to be completed no later than 60 days after receiving the written licensing report unless otherwise specified.

Upon receipt of the report, the Provider will have thirty days to submit a written plan of correction (POC). The Plan of Correction should not only address the individual deficiency cited, but should also include a systemic response to ensure correction across the agency. If the provider does not agree with the content of the report, reconsideration may be requested. The provider may request reconsideration of the deficiencies by submitting, in writing, the standard, policy, or procedure cited; the finding related to the standard, policy, or procedure; the nature of their disagreement with the finding; and any documentation to support their position. The provider is allowed one reconsideration request per survey cycle. The provider would submit the request of citation reconsideration with their plan of correction (i.e. within 30 days of receiving the licensing report). Requests for reconsideration should be submitted to:

SCDDSN  
PO Box 4706  
Columbia, SC 29240  
Attention: Director, Mental Retardation Division

If reconsideration is requested, a POC is not required to be submitted until a decision regarding the reconsideration is reached. However, any deficiency not being reconsidered must be corrected according to the timelines as outlined in this document.

The reconsideration will be completed within 30 days of receiving the request. Based on the results of the reconsideration, if needed, a new report will be issued. A POC for all deficiencies must be submitted to SCDDSN within 15 days of the reconsideration decision.

## **FOLLOW-UP**

All deficiencies cited in a licensing report will require a follow-up review. A provider may have two follow-up reviews for annual surveys. The deficiency Class (I, II, III) dictates the number of follow-up reviews completed and/or sanctions imposed. (See Sanctions) All timeframes identified above apply to these follow-up surveys. All citations identified on the reports will be individually reviewed to determine the type of follow up needed (i.e. documentation request or onsite review). All Class I citations will be resolved onsite at the time of the review. Each Class II or Class III citation will be reviewed individually to determine the most appropriate method for follow-up.

DDSN or its contractor will contact the provider agency and discuss the follow-up process, as it relates to their review. Contact will be made within 90 days of the approved Plan of Correction. Citation determinations will be identified as follows:

1. Need documentation review
2. Need onsite review

Results of the Follow-up Review will include the following:

1. Corrected - Based on submitted documentation (in lieu of site visit)
2. Corrected – Based on successful implementation of the Plan of Correction and/ or systemic review
3. Not Corrected – The Plan of Correction was not implemented successfully
4. Not Corrected – Acceptable Progress. The Plan of Correction has been implemented and acceptable progress made. Individual and systemic remediation are expected.

A review of all standards/indicators will take place during the annual review process. Any findings of repeat/recurring citations and the use of documentation for citation correction will be discussed at the exit meeting and a report will be sent to the provider within 30 days. The citation determinations and results will be formatted in the same manner as indicated above. A written plan of correction will be submitted by the provider in response to the follow-up review.

## **SANCTIONS:**

Unannounced follow-up visits will be conducted in situations where the severity and/or prevalence of deficiencies may adversely impact someone's health and safety and will determine if deficiencies have been corrected. Failure to correct deficiencies result in the following sanctions:

- ♦ Sanction 1 – Failure to correct a Class 1 deficiency, no matter what level or quantity of deficiencies exist, will result in the removal of the license/contract and movement of the person.

- ♦ Sanction 2 – Depending on the level or quantity of deficiencies, any of the following sanctions may be issued: 1) ongoing site monitoring, 2) technical assistance, 3) the issuance of a provisional license/ certificate with a shortened expiration date, 4) the license/certificate capacity of the program may be reduced, 5) financial payments for that program may be held in a reserve account, 6) financial payments may be reduced, or 7) the license/certificate may be denied, suspended, revoked, or rescinded. For example, if there are several or fewer deficiencies across licensed facilities with no repeated findings, options 1 or 2 may be used. If multiple deficiencies are discovered across licensed facilities and systemic problems that exist are not resolved after option 1 through 6 have been issued, then option 7 will be issued.

### **APPEALS:**

The imposition of the specific sanction that involves denial, suspension or revocation of a license may be appealed. Departmental Directive 167-01-DD governs these appeals.

### **EXCEPTIONS:**

SCDDSN reserves the right to make exceptions to standards or policies if the exception will not jeopardize the health and safety of the service recipient, staff or the public, and when the exception will not significantly reduce the quality or quantity of services provided. No exception should be implemented until first approved by the Director of Quality Management and the State Director/designee.

The request for exception should be submitted to the SCDDSN Quality Management Director using the SCDDSN Request for Exception form. All sections of the form must be complete and accurate. The form must be signed by the Executive Director and Board Chairperson.

Unless otherwise noted, exceptions to Adult Day Standards and Recreation Camp Standards will be valid for one (1) year from the date approved.

Unless otherwise requested and approved, exceptions to Residential and Respite Standards will remain valid for as long as the information contained on the initial request remains the same.

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Kathi Lacy, Ph.D.  
Associate State Director, Policy  
Originator

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Eugene A. Laurent, Ph.D.  
State Director  
Approved

**ATTACHMENTS:**

Request for Exception Form  
Application to Operate Residential, Day Facility, or Camp